

REMARKS

The Examiner's action of December 20, 2011 is noted in which the claims are variously rejected under a double patenting obviousness type rejection and under 35 USC 103 based on the two primary references in this case, namely the Burkley et al. reference and the Lewicke et al. reference, along with a number of other references combined with these two.

Applicant provides herewith a terminal disclaimer signed by the attorney of record, Daniel J. Long, thereby obviating the problem noted by the Examiner of the previous terminal disclaimer signed by the undersigned who has an associate Power of Attorney.

In view of this terminal disclaimer, the rejection of the claims under the provisional obviousness type double patenting rejections will not lie and withdrawal of these rejections is requested.

This leaves the rejection of the Claims under the aforementioned 35 USC 103.

For the following reasons, it is Applicants' contention that Claim 1 as amended is now allowable and that allowance of this claim and the claims that depend therefrom are likewise allowable.

In response to Applicants' arguments, the Examiner states that the recited limitation that the transceiver "can be" initialized to a frequency and format, does not indicate that this is required by the claims.

Applicants have substituted the word "is" for the words "can be", thereby squarely placing the subject matter in the claims.

Regardless of the above, the arguments with respect to Burkley have been thoroughly discussed in the prior Amendment After Final Rejection. However, the Examiner persists in saying that “Burkley, specifically discloses that transceiver can be brought to communicate on a common channel and format to facilitate interoperability.”

How is this done in Burkley? According to the Examiner, this is done in Burkley utilizing a central command post which commands all of the transceivers to operate on a common frequency with a common format. But this is not what is claimed.

What is claimed is that each and every one of the transceivers is provided with its own dedicated module which does not require any kind of communication with a centralized command post, but rather operates autotamously to make sure that all of the transceivers that arrive at the ad hoc network can intercommunicate.

This is a significant difference. As above, in order for the Burkley et al. type of system to operate, all of the transceivers have to be in range of the command post.

As recited in the Amendment After Final Rejection this does not take into account transceivers which are not within range of the command post which often times occurs. More often than not, first responders with the transceivers arrive at the incident area and can only communicate with nearby transceivers. What this means is that many first responders cannot initially communicate with a centralized command post.

Thus, the system claimed is not the system described in Burkley et al. but rather one having dedicated modules attached to standard non-specialized transceivers.

Moreover, the reason that Burkley can work at all is because all of the transceivers that are acceptable to the Burkley et al. system are specialized transceivers. There are not, as mentioned before, standard transceivers at all.

In order for Burkley et al. to work in an incident area, every single responder would have to be provided with a specialized radio. This is often times impractical if not impossible. What entity is going to hand out these specialized radios, is it the police department, is it the fire department, is it the ambulance service?

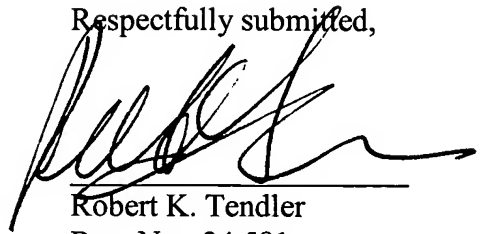
The problem addressed by the subject invention is clearly one in which dissimilar transceivers are brought to the incident scene and are somehow made to be compatible with all of the rest of the transceivers according to the claimed invention by providing each with a dedicated module.

Absolutely nowhere is this shown or taught in the references cited and allowance of Claim 1 and the claims that depend therefrom is clearly in order.

The Examiner is requested to contact the undersigned to indicate where modules attached to individual transceivers is shown or taught anywhere in the art that he has cited. Alternatively it is requested that the Examiner allow Claim 1 and the dependent claims and pass this case to issue.

Allowance of the claims and issuance of the case is therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert K. Tandler', written over a horizontal line.

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Date: _____

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